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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,888	08/26/2003	Hitoshi Ueda	03514/LH	7834

1933 7590 01/22/2007  
 FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
 220 Fifth Avenue  
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 NEW YORK, NY 10001-7708

EXAMINER
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PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/649,888	UEDA, HITOSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeff Piziali	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006 & 27 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed (on 19 July 2006) in this application after final rejection (mailed 1 May 2006). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 July 2006 has been entered.

### ***Election/Restrictions***

2. Applicant's election without traverse of Species I (i.e., claims 16-35) in the reply filed on 27 October 2006 is acknowledged and appreciated.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 16-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Powers et al (US 5,469,540 A).

Regarding claim 16, Powers discloses a region selection device [Fig. 1; 48] which selects one region [Fig. 25; 310] from among a plurality of overlapping regions [Fig. 25; 310, 312, 314] displayed on a display screen [Fig. 1; 68], the device comprising: a region table [Fig. 1; 55] which stores attributes [i.e. window layer ordering, active window, and inactive window information, for instance] of the plurality of regions displayed on the display screen (see Column 6, Line 54 - Column 7, Line 19), including a selection attribute [i.e. active window information] of each respective region that indicates whether or not the respective region is selected; a coordinate input device [Fig. 1; 42] for designating a coordinate [Fig. 25; 44] defined in the display screen (see Column 12, Line 56 - Column 13, Line 29); a region rearranging section [Fig. 1; 42 & 46] for rearranging the plurality of overlapping regions on the display screen based on at least one attribute [i.e. floating window attribute, for instance] of the plurality of regions stored in the region table; an inside selection decision section [Fig. 2; 104] which selects one region by deciding whether or not the coordinate designated by the coordinate input device is located inside the region (see Column 7, Lines 23-52); a border selection decision section [Fig. 2; 100]

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which selects one region by deciding whether or not the coordinate designated by the coordinate input device is located on a borderline defining a periphery of the region (see Column 7, Lines 23-52); an editing section [Fig. 3; 148] which moves the selected region or changes a size thereof (see Column 8, Lines 4-20); and a selected state clearing section [Fig. 28; 330] which changes the selection attribute of every region in the region table to null (see Column 13, Lines 30-53).

Regarding claim 17, Powers discloses the region rearranging section automatically rearranges the plurality of overlapping regions in order of increasing area, such that one of the regions [Fig. 24; 300] with a smallest area is arranged on top [of Fig. 24; 302] (see Column 12, Line 28 - Column 13, Line 29).

Regarding claim 18, Powers discloses when the inside selection decision section decides that the coordinate designated by coordinate input device is within more than one of the regions [Fig. 24; 300 & 302], the inside selection decision section selects (via the "choose a pattern" selection box) a smallest one of the regions [Fig. 24; 300], by area, enclosing the coordinate designated by the coordinate input device (see Column 12, Line 28 - Column 13, Line 29).

Regarding claim 19, Powers discloses when the border selection decision section decides that the coordinate designated by the coordinate input device is located on borderlines of more than one of the regions [Fig. 24; 300 & 302], the border selection decision section selects a topmost one of the regions [Fig. 24; 300], as arranged by the region rearranging section, that

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corresponds to one of the borderlines on which the coordinate designated by the coordinate input device is located (see Column 12, Line 28 - Column 13, Line 29).

Regarding claim 20, Powers discloses if a plurality of the overlapping regions have a same area, the region rearranging section rearranges the regions such that, among the regions with the same area, the regions are arranged from top to bottom in order of decreasing perimeter [Fig. 26; 310 & 318] (see Column 12, Line 28 - Column 13, Line 29 -- wherein the user is given full control over window arrangement).

Regarding claim 21, Powers discloses when the editing section changes a size of the selected region [via Fig. 28; 330], the region rearranging section automatically rearranges the overlapping regions in accordance with the changed size of the selected region (see Column 13, Lines 30-53).

Regarding claim 22, this claim is rejected by the reasoning applied in rejecting claim 16; furthermore, Powers discloses a method for selecting [Fig. 1; 48] one region [Fig. 25; 310] from among a plurality of overlapping regions [Fig. 25; 310, 312, 314] displayed on a display screen [Fig. 1; 68], the method comprising: storing, in a region table [Fig. 1; 55], attributes [i.e. window layer ordering, active window, and inactive window information, for instance] of the plurality of regions displayed on the display screen (see Column 6, Line 54 - Column 7, Line 19), including a selection attribute [i.e. active window information] of each respective region that indicates whether or not the respective region is selected; designating via a coordinate input device [Fig. 1;

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42] a coordinate [Fig. 25; 44] defined in the display screen (see Column 12, Line 56 - Column 13, Line 29); changing [Fig. 28; 330] the selection attribute of every region in the region table to null (see Column 13, Lines 30-53); rearranging [via Fig. 1; 42 & 46] the plurality of overlapping regions on the display screen based on at least one attribute [i.e. floating window attribute, for instance] of the plurality of regions stored in the region table; selecting one region by deciding whether or not the coordinate designated by the coordinate input device is located on a borderline [Fig. 2; 100] defining a periphery of the region (see Column 7, Lines 23-52); if the coordinate designated by the coordinate input device is not located on any said borderline, selecting one region by deciding whether or not the coordinate designated by the coordinate input device is located inside [Fig. 2; 104] the region (see Column 7, Lines 23-52); and editing [Fig. 3; 148] the selected region by moving the selected region or changing a size thereof (see Column 8, Lines 4-20).

Regarding claim 23, this claim is rejected by the reasoning applied in rejecting claim 17.

Regarding claim 24, this claim is rejected by the reasoning applied in rejecting claim 18.

Regarding claim 25, this claim is rejected by the reasoning applied in rejecting claim 19.

Regarding claim 26, this claim is rejected by the reasoning applied in rejecting claim 20.

Regarding claim 27, this claim is rejected by the reasoning applied in rejecting claim 21.



Regarding claim 28, Powers discloses the selection attribute of every region in the region table is changed to null each time a coordinate [Fig. 28; 330] is designated via the coordinate input device, before one of the regions is selected based on the designated coordinate (see Column 13, Lines 30-53).

Regarding claim 29, this claim is rejected by the reasoning applied in rejecting claims 16 & 22; furthermore, Powers discloses a computer-readable recording medium having a computer program stored thereon that is executable by a computer to cause the computer to perform a process (see Fig. 1; Column 5, Lines 5-51) for selecting one region from among a plurality of overlapping regions displayed on a display screen (see Fig. 1; Column 5, Lines 5-51), the process comprising: storing, in a region table [Fig. 1; 55], attributes [i.e. window layer ordering, active window, and inactive window information, for instance] of the plurality of regions displayed on the display screen (see Column 6, Line 54 - Column 7, Line 19), including a selection attribute [i.e. active window information] of each respective region that indicates whether or not the respective region is selected; designating via a coordinate input device [Fig. 1; 42] a coordinate [Fig. 25; 44] defined in the display screen (see Column 12, Line 56 - Column 13, Line 29); changing [Fig. 28; 330] the selection attribute of every region in the region table to null (see Column 13, Lines 30-53); rearranging [via Fig. 1; 42 & 46] the plurality of overlapping regions on the display screen based on at least one attribute [i.e. floating window attribute, for instance] of the plurality of regions stored in the region table; selecting one region by deciding whether or not the coordinate designated by the coordinate input device is located on a borderline [Fig. 2;



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100] defining a periphery of the region (see Column 7, Lines 23-52); if the coordinate designated by the coordinate input device is not located on any said borderline, selecting one region by deciding whether or not the coordinate designated by the coordinate input device is located inside [Fig. 2; 104] the region (see Column 7, Lines 23-52); and editing [Fig. 3; 148] the selected region by moving the selected region or changing a size thereof (see Column 8, Lines 4-20).

Regarding claim 30, this claim is rejected by the reasoning applied in rejecting claim 17.

Regarding claim 31, this claim is rejected by the reasoning applied in rejecting claim 18.

Regarding claim 32, this claim is rejected by the reasoning applied in rejecting claim 19.

Regarding claim 33, this claim is rejected by the reasoning applied in rejecting claim 20.

Regarding claim 34, this claim is rejected by the reasoning applied in rejecting claim 21.

Regarding claim 35, this claim is rejected by the reasoning applied in rejecting claim 28.

***Response to Arguments***

7. Applicant's arguments filed 19 July 2006 have been fully considered but they are not persuasive. The applicant contends the cited prior art of Powers et al (US 5,469,540 A) neglects teaching, *"rearranging and selecting windows in the manner of the claimed present invention. In fact, since Powers et al discloses the access and presentation windows as being floating to be active for a user regardless of the application being run, Powers et al clearly does not disclose, teach or suggest a selected state clearing section which changes the selection attribute of every region in the region table to null"* (see Page 13, Paragraph 1 of the 'Amendment Filed with RCE' filed on 19 July 2006). However, the examiner respectfully disagrees.

Powers discloses an editing section [Fig. 3; 148] which moves (i.e. scrolls) the selected region [Fig. 3; 130 & 145] or changes a size thereof (see Column 8, Lines 4-20); and a selected state clearing section [Fig. 28; 330] which changes the selection attribute of every region in the region table to null (see Column 13, Lines 30-53 -- via closing the window).

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeff Piziali  
17 January 2007